

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 09-00193-01-CR-W-ODS
)	
WAYNE E. GORDON,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on October 5, 2010. Defendant Gordon appeared in person and with retained counsel Daniel Ross. The United States of America appeared by Assistant United States Attorney Michael Green.

I. BACKGROUND

On June 23, 2009, an indictment was returned charging Defendant with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Green announced that he will be the trial counsel for the government. The case agent to be seated at counsel table Darrell Reach, Kansas City, Missouri Police Department.

Mr. Ross announced that he will be the trial counsel for Defendant Gordon. Heather Dillmans, paralegal, will assist.

III. OUTSTANDING MOTIONS

The following motion remains pending:

- Defendant's Motion to Suppress (Doc. No. 52); *R&R filed 10/05/11 (Doc. No. 65)*.

IV. TRIAL WITNESSES

Mr. Green announced that the government intends to call 10-15 witnesses without stipulations or 7-10 witnesses with stipulations during the trial.

Mr. Ross announced that Defendant Gordon does not intend to any witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Green announced that the government will offer approximately 15 exhibits in evidence during the trial.

Mr. Ross announced that Defendant Gordon will not offer any exhibits in evidence during the trial.

VI. DEFENSES

Mr. Ross announced that Defendant Gordon will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Ross stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to Defendant's prior felony conviction and the interstate nexus of the firearm.

IX. TRIAL TIME

Counsel were in agreement that this case will take two days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed September 11, 2009, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by October 12, 2011;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, October 19, 2011;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, October 19, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on October 24, 2011.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
October 5, 2011

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by October 21, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

cc: Mr. Kevin Lyon